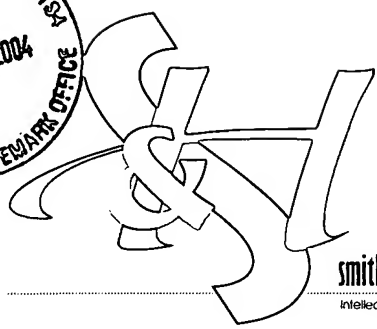


1FW\$



BEST AVAILABLE COPY



smith & hopen, p.a.

Intellectual Property Law Patents Trademarks Copyrights

December 16, 2004

Mail Stop Missing Parts
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Applicants: John F. Baxter
Serial No.: 10/711,241
Filed: 09/03/2004

Art Unit : 2684
Examiner: Unassigned
Confirmation No.: 5329

For: Method of Identifying Media Content Contemporaneously with Broadcast
Our Reference No.: 1135.42

Dear Sir:

Enclosed please find the following:

1. Notice of Incomplete Reply (Nonprovisional) – (2 pages);
2. Response to Notice of Incomplete Reply – (2 pages);
3. Substitute Specification in accordance with 37 CFR 1.52(b) – (55 pages);
4. Petition and Fee for Extension of Time (37 C.F.R. 1.136(a));
5. Credit Card Payment Form PTO-2038 for \$60.00; and
6. Self-addressed and postage pre-paid post card to serve as a receipt for items 1-4.

Very respectfully,

SMITH & HOPEN

By: Anton J. Hopen
anton.hopen@smithhopen.com

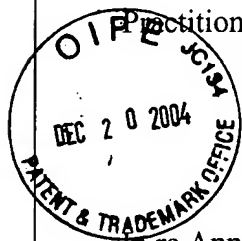
AJH/cm
Encl.

CERTIFICATE OF MAILING
(37 C.F.R. 1.8)

I HEREBY CERTIFY that this correspondence is being mailed with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on December 16, 2004.

Date: December 16, 2004

Charlene Morgan



Patitioner's Docket No.: 1135.42

PATENTS

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: John F. Baxter)

Serial No.: 10/711,241)

Filed: 09/03/2004)

For: METHOD OF IDENTIFYING)
MEDIA CONTENT)
CONTEMPORANEOUSLY)
WITH BROADCAST)

Art Unit: 2684

Examiner: **Unassigned**

Confirmation No.: 5329

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

RESPONSE TO NOTICE OF INCOMPLETE REPLY

(NONPROVISIONAL)

(filed under 37 C.F.R. § 1.52(b))

In response to the Notice of Incomplete Reply (Nonprovisional) mailed **December 9, 2004**, having a shortened statutory period for response that expired **December 4, 2004** and an extended statutory period for response set to expire January 4, 2005, applicant responds as follows:

ITEMS REQUIRED TO AVOID ABANDONMENT

Applicant submits a substitute specification herewith in compliance with 37 CFR 1.52, 1.121(b)(3), and 1.125. The line spacing on the specification, claims, or abstract has been modified to 1½ in accordance with 37 CFR 1.52(b).

CONCLUSION

It is believed that the above response is completely responsive to the Notice of Incomplete Reply mailed December 9, 2004.

Very respectfully,

5
10
15
Anton J. Hopen
Registration No. 41,849

10
15
Smith & Hopen, P.A.
15950 Bay Vista Drive
Suite 220
Clearwater, FL 33760
Our Ref.: 1135.42

20
CERTIFICATE OF MAILING
(37 C.F.R. § 1.8)

I HEREBY CERTIFY that this response is being deposited with the United States Postal Service by First Class Mail in an envelope addressed to Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on December 16, 2004.

25
Charlene Morgan
Charlene Morgan

TFW



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
 United States Patent and Trademark Office
 Address: COMMISSIONER FOR PATENTS
 P.O. Box 1450
 Alexandria, Virginia 22313-1450
 www.uspto.gov

APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/711,241	09/03/2004	John F. Baxter JR.	1135.42

21901
 SMITH & HOPEN PA
 15950 BAY VISTA DRIVE
 SUITE 220
 CLEARWATER, FL 33760



CONFIRMATION NO. 5240

FORMALITIES LETTER



OC000000014713236

Date Mailed: 12/09/2004

NOTICE OF INCOMPLETE REPLY (NONPROVISIONAL)

Filing Date Granted

The U.S. Patent and Trademark Office has received your reply on 11/26/2004 to the Notice to File Missing Parts (Notice) mailed 10/04/2004 and it has been entered into the nonprovisional application. The reply, however, does not include the following items required in the Notice.

The period of reply remains as set forth in the Notice. You may, however, obtain EXTENSIONS OF TIME under the provisions of 37 CFR 1.136 (a) accompanied by the appropriate fee (37 CFR 1.17(a)).

A complete reply must be timely filed to prevent ABANDONMENT of the above-identified application. Replies should be mailed to: Mail Stop Missing Parts, Commissioner for Patents, P.O. Box 1450, Alexandria VA 22313-1450.

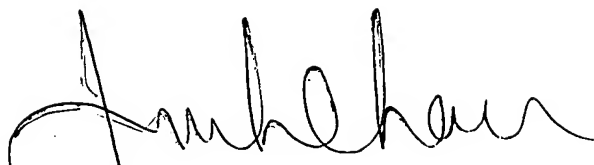
The application is informal since it does not comply with the regulations for the reason(s) indicated below.

The required item(s) identified below must be timely submitted to avoid abandonment:

- A substitute specification in compliance with 37 CFR 1.52, 1.121(b)(3), and 1.125, is required. The specification, claims, or abstract page(s) submitted is not acceptable and cannot be scanned or properly stored because:
 - The line spacing on the specification, claims, or abstract is not 1½ or double spaced (see 37 CFR 1.52(b)).

Replies should be mailed to: Mail Stop Missing Parts
 Commissioner for Patents
 P.O. Box 1450
 Alexandria VA 22313-1450

*A copy of this notice **MUST** be returned with the reply.*



Customer Service Center
Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE



Mail Stop Missing Parts
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450